

Editorial: Court not satisfied with Legislature

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It seemed like the state Legislature finally concluded its business for the session in June with the adoption of a balanced budget, but to borrow a phrase, “It ain’t over until the state Supreme Court sings.”

At the end of last week the state Supreme Court ruled that the state Legislature had not complied with the McCleary ruling to adequately fund K-12 education, announced it would fine the state \$100,000 a day as long as it stayed out of compliance and suggested the Legislature come back into session to address this issue.

Gov. Jay Inslee met with legislative leaders on Monday to discuss what to do next. If the initial reaction of elected officials was any indication, it seems unlikely the Legislature will reconvene.

As staggering as a \$100,000 a day fine would be to most of us, it’s a minor inconvenience to the state. The fine would total \$14 million by next January. The total state operating budget for 2015-17 is \$38 billion. There’s also no mechanism for the court to collect the fine. The Legislature would have to vote to appropriate the money to pay the fine.

The court’s action last week was jarring — this level of conflict between the judiciary and the legislative branch is not common — but the ruling that the state is not in full compliance with McCleary was not a surprise.

The Legislature, itself, characterized the \$1.3 billion allotted to K-12 education this past session as a payment on McCleary.

The funding reduces class sizes but not as far as McCleary goes for K-3; it provides for teacher raises but not as much as the court desired; and it doesn’t fully address the balance between state-funded and levy-funded programs.

Through its ruling the court is saying there is work to be done. The court wants that work done sooner rather than later but chose not to swing a big enough hammer to compel the Legislature to reconvene. It would likely take invalidating a portion of the state budget to get the politicians back to Olympia.

It can be simply stated that the state has a constitutional obligation to fully fund K-12 education, but complexities arise when the Legislature attempts to accomplish that mission.

The court’s action emphasizes that the Legislature will be dealing with McCleary-related issues at its next session.

The Legislature is attempting to meet McCleary a bite at a time without altering the underlying tax structure in this state. The uptick in the economy the past couple of years has made this approach possible. If the economy grows, funding within the current structure grows and more money can be allocated.

There are hurdles, though. The reduction in class sizes sought by McCleary in many cases — including in the Ellensburg School District — would require the construction or addition (portables) of new classroom space.

Would the state pay for this or would a funding proposal need to go to voters in each district?

It's hard to feel too much sympathy for the Legislature. It put itself in this position through years of falling short in its constitutional mandate, but this is not a theoretical debate taking place between two branches of government. This disagreement has real-world consequences in our schools and communities.

We all have a vested interest in how the state meets the McCleary requirements and as the court action last week indicated, the job is not done.